

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: KANTAMNENI, Shobha Art Unit: 1617
Re: Application of: BANERJEE, Partha S., et al.
Serial No.: 09/887,496
Filed: June 22, 2001
For: **FORMOTEROL/STEROID
BRONCHODILATING
COMPOSITIONS AND
METHODS OF USE THEREOF**
Confirmation No.: 7707

REQUEST TO CORRECT INVENTORSHIP UNDER RULE 1.48

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 12, 2007

Sir:

(1) A request is hereby made to add the following individual as an Inventor in this application:

Stephen Pham

(2) Attached at Tab 1 is a Statement by Stephen Pham that the error in inventorship occurred without any deceptive intent.

(3) Attached at Tab 2 is an assignment of rights to Dey, L.P. signed by Stephen Pham.

(4) Attached at Tab 3 is a Declaration signed by all of the Inventors.

(5) Attached at Tab 4 is a Consent of Assignee and 3.73(b) Statement.

The \$130.00 processing fee set forth in 37 CFR 1.17(i) is being charged to the undersigned's credit card. No further fee is believed to be due. If it is determined that any further fees are due or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: 

Michael N. Mercanti

Reg. No. 33,966

475 Park Avenue South
New York, New York 10016
Tel: 212-661-8000
Fax: 212-661-8002

Attachments: Tabs 1 through 4 as listed above

CERTIFICATE

I hereby certify that this correspondence is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 12, 2007.

LUCAS & MERCANTI, LLP

BY: 

Michael N. Mercanti, Reg. No. 33,966

UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT UNDER 37 CFR 1.48(a)
ADDED INVENTOR IN APPLICATION

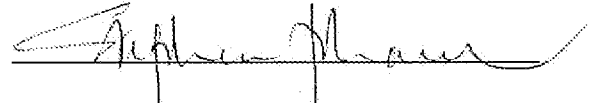
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 30, 2007

1. I, the below-signed, Stephen Pham, am an Inventor in the above-identified Patent Application.
2. The inventorship error occurred without any deceptive intent on my part.
3. I further declare that all statements made herein of my knowledge are true, and that all statements made on my information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title

18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: This 31 day of May, 2007.



Stephen Pham

ASSIGNMENT OF RIGHTS, TITLE AND INTEREST IN INVENTION
--

This is an assignment of the following rights, title and interest (check all that apply):

☒ *United States of America rights, title and interest in the invention*

☒ *Foreign rights, title and interest in the invention*

☒ *United States Patent Application Serial No. 09/887,496*

Date of Execution: _____ *Date of Filing:* June 22, 2001

☐ *United States Provisional Patent Application Serial No.* _____

☐ *United States Patent No(s).* _____

☐ *International (PCT) Patent Application Serial No.* _____

☐ *Other (specify)* _____

Title of the Invention:

FORMOTEROL/STEROID BRONCHODILATING COMPOSITIONS AND METHODS OF USE THEREOF

Inventors (assignors):

<i>Name</i>	<i>Address</i>
Stephen Pham	3480 River Shoal Ave., Sacramento, CA

Assignee:

<i>Name</i>	<i>Address</i>
DEY, L.P.	2751 Napa Valley Corporate Dr. Napa, CA 94558

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and /or patent(s) (hereinafter referred to as "Invention");

And, whereas I desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

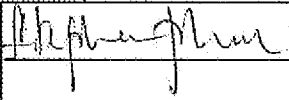
I hereby assign, sell and transfer my above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all reissues and reexaminations thereof, which may be granted or have granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuation-in-part of said application for patent and/or for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

The undersigned hereby grant(s) the firm of LUCAS & MERCANTI, L.L.P., 475 Park Avenue South, New York, New York, 10016, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

Inventors' Signatures:

Name	Signature/ Date
Stephen Pham	 May 31, 2007

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which (check only one item below):

_____ is attached hereto.

X was filed as United States Application No. 09//887,496 or as PCT International Application No. _____ on June 22, 2001 and was amended on January 31, 2002; July 24, 2002; September 27, 2004; January 13, 2006; and January 5, 2007 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to the examination of this application as defined by 37 CFR 1.56.

I hereby claim benefit of priority under 35 U.S.C. 119 (e)(1) for United States provisional patent application serial no. 60/284,607 filed June 22, 2001.

POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275
Michael N. Mercanti, Registration No. 33,966

Laurence Manber, Registration No. 35,597
Otho B. Ross, Registration No. 32,754
Timothy D. Meade, Registration No. 55,449
Hyun Soon Cho, Registration No. L0306
Yaodong Chen, Registration No. L0267

ADDRESS: Lucas and Mercanti, LLP
475 Park Avenue South, 15th Floor
New York, NY 10016
Tel: 212-661-8000
Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Partha S. Banerjee, Ph.D.

INVENTOR'S SIGNATURE Partha S. Banerjee DATE 06/08/07

RESIDENCE Wynnewood, PA CITIZENSHIP United States

POST OFFICE ADDRESS 230 Harrogate Road, Wynnewood, PA 19096

FULL NAME OF SECOND INVENTOR Intiaz A. Chaudry, Ph.D.

INVENTOR'S SIGNATURE IA. Chaudry DATE 5/30/07

RESIDENCE American Canyon, CA CITIZENSHIP United States

POST OFFICE ADDRESS 7 Gadwall Ct., American Canyon, CA 94503

FULL NAME OF THIRD INVENTOR Stephen Pham

INVENTOR'S SIGNATURE Stephen Pham DATE 05/21/07

RESIDENCE Sacramento, CA CITIZENSHIP United States

POST OFFICE ADDRESS 3480 River Shoal Ave., Sacramento, CA

Cont....YES [] NO [X]

UNITED STATES PATENT AND TRADEMARK OFFICE

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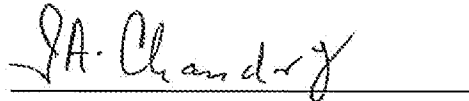
CONSENT OF ASSIGNEE REGARDING INVENTORSHIP
UNDER 37 C.F.R. §1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The assignee of the entire right, title, and interest in this application, DEY, L.P. agrees to the change of inventorship to add an inventor, Stephen Pham. A statement under 37 C.F.R. §3.73(b) is attached hereto.

Respectfully submitted,



DEY, L.P.

Name: Imtiaz Chaudry

Title: Senior Vice-President, Scientific Affairs

Date:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Partha S. Banerjee, et al.Application No./Patent No.: 09/887,496 Filed/Issue Date: June 22, 2001Entitled: FORMOTEROL/STEROID BRONCHODILATING COMPOSITIONS AND METHODS OF USE THEREOFDay 1 P _____, a _____ Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012214, Frame 0107, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Dr. Imtiaz Chaudry
Signature5/30/07
DateDr. Imtiaz Chaudry
Printed or Typed Name_____
Telephone NumberSenior Vice-President, Scientific Affairs
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.